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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

DANIEL LEE WILSON,

Defendant and Appellant.

F044704

(Super. Ct. No. BF103795B)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. Kenneth C. Twisselman, Judge.

Randy S. Kravis, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, Stan Cross and Susan Rankin Bunting, Deputy Attorneys General, for Plaintiff and Respondent.

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* Before Buckley, Acting P.J., Cornell, J., and Dawson, J.

Defendant, Daniel Lee Wilson, appeals from an order, given at sentencing, that he submit DNA blood and saliva samples pursuant to Penal Code section 296.¹ We will affirm.

DISCUSSION

Wilson was convicted of, inter alia, assault by means of force likely to produce great bodily injury (§ 245, subd. (a)(1)). At sentencing, Wilson was placed on probation and ordered, among other things, to comply with section 296. Section 296, subdivision (a)(1)(F) provides that any person convicted of aggravated assault must provide two specimens of blood and one saliva sample. Wilson contends the taking of DNA samples under section 296 and the trial court's order for him to do so violates his Fourth Amendment rights under the federal Constitution. As we shall briefly explain, we disagree.

In his argument, Wilson acknowledges that both California cases on this issue have been resolved against him. Nevertheless, he urges us to “revisit the issue of section 296's constitutionality.” We decline to do so. We have reviewed both *Alfaro v. Terhune* (2002) 98 Cal.App.4th 492 and *People v. King* (2000) 82 Cal.App.4th 1363 and find them to be well reasoned and persuasive.

“By their commissions of a crime and subsequent convictions, persons such as appellant have forfeited any legitimate expectation of privacy in their identities. In short, any argument that Fourth Amendment privacy interests do not prohibit gathering information concerning identity from the person of one who has been convicted of a serious crime, or of retaining that

¹ Statutory references are to the Penal Code unless otherwise noted.

information for crime enforcement purposes, is an argument that long ago was resolved in favor of the government.” (*People v. King, supra*, 82 Cal.App.4th at p. 1375, fn. omitted.)

DISPOSITION

The judgment is affirmed.